

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of Section 73.606(b) of the)
Commission's Rules, TV Table of Allotments,)
to allot Channel 45 to North Las Vegas, Nevada)

MM Docket No. _____

RM No. _____

To: Chief, Allocations Branch

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PETITION FOR RULEMAKING

North Las Vegas 45, L.L.C. ("NLV"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to allot Channel 45 to North Las Vegas, Nevada, as that community's first local television service. NLV proposes to amend Section 73.606(b) of the Commission's rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
North Las Vegas, Nevada	- - -	45

No change in the existing allotments is requested. In support of this request, the following is stated:

The city of North Las Vegas, Nevada, is an incorporated community with a 1990 U.S. Census population of 47,707. As of January 1, 1995, its population was estimated to be 66,500.¹ North Las Vegas has its own post office and seven zip codes.

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¹ Source: Rand McNally Commercial Atlas & Marketing Guide, p. 416 (127th ed.) (1996), citing Sales and Marketing Management "1995 Survey of Buying Power."

As demonstrated in the attached engineering exhibit, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemakings.

As stated above, the allotment of Channel 45 will provide North Las Vegas with a first local television service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various States and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment will promote the second television allotment priority established in the Sixth Report and Order in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. The proposed allotment also will permit an additional network to serve the Las Vegas television market. Therefore, the allotment will serve the public interest.

Contemporaneously herewith, the petitioner is filing an application for a construction permit for the new facility contingent upon the grant of the proposed allotment. In the event its application is granted, the petitioner will promptly construct the new facility.

WHEREFORE, in light of the foregoing, North Las Vegas, 45, L.L.C. respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 45 to North Las Vegas, Nevada, as that community's first local television service.

Respectfully submitted,

NORTH LAS VEGAS 45, L.L.C.

By: 

Its Counsel

July 24, 1996

WES, INC.
5925 CROMO DR.
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For North Las Vegas, NV
CH 45

JULY 20, 1996

ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E.M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The national association of radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E. M. Warren III

Executed on the 20th day of July, 1996

WES, INC.

Narrative Statement

I. GENERAL

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 45 at North Las Vegas, NV. The proposed channel has no short-spacing as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed Site:

We propose a site located at the following coordinates:

Latitude: 36 19 0

Longitude: 115 17 0

The allocation may be within a wide area.

B. Channel Allocation Study:

Exhibit 1 is a Channel Allocation Study of Ch. 45. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

C. Public Interest Showing:

1. This would be the first allotment to North Las Vegas, NV. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth or sixth network.

III. SUMMARY

Petitioner requests that the TV Table of Assignments be amended as follows:

CITY	PRESENT	PROPOSED
North Las Vegas, NV	None	45o



Pete E. M. Warren III

July 20, 1996

TV CHANNEL SPACING STUDY

Job title: NORTH LAS VEGAS NV

Latitude: 36 19 0

Channel: 45

Longitude: 115 17 0

Database file name: c:\tvsrc\tv960705.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
45+	KUZZTV	11868	BAKERSFIELD	CA	2	L	253.6	327.0	280.8	46.2

***** End of channel 45 study *****